

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KAREN MARCELLINO,**

**Plaintiff,**

**v.**

**GEAUGA COUNTY HUMANE  
SOCIETY, *et al*,**

**Defendants.**

) **CASE NO. 1:19-CV-459**

)

) **JUDGE DAN AARON POLSTER**

)

) **MINUTES & DISMISSAL ORDER**

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)

On March 1, 2019, Plaintiff Karen Marcellino filed the instant action along with a Motion for Temporary Restraining Order and Preliminary and Permanent Injunction. Doc #: 1, 2. Karen filed the TRO to prevent forfeiture of two horses that Karen gifted to her daughter, Defendant Bianca Marcellino. That same day, the Court denied the Motion and dismissed the case without prejudice because the case was premature and because the Court lacked jurisdiction. Doc #: 4. Karen filed a Motion for Reconsideration, Doc #: 5, and a Supplement to that Motion, Doc #: 6, on March 6, 2019. The Geauga County Humane Society Defendants filed an Opposition brief on March 7, 2019. Doc #: 8.

The Court held a teleconference attended by Karen's counsel Richard B. Rosenthal and Michela J. Huth, Bianca and her counsel Greg Sasse, Christian Cartwright and Human Society Executive Director Hope Brustein with counsel Bridey Matheney and Todd Hicks, and Special Prosecutor representative Dana Marie Panella. The Court discussed the Motion with the parties. The Court determined again that no federal jurisdiction exists. The Chardon Municipal Court

Judge found that the two horses belonged to Bianca, not Karen, and ordered them forfeited to the Geauga Humane Society, a non-profit private entity, in the underlying criminal case. The horses were then adopted by a third party. Karen has no Fourth Amendment rights in the seizure of her daughter Bianca's property. Thus, Karen has no federal claim over which this Court has jurisdiction. If Karen believes she has ownership rights to the horses, she can file a state court lawsuit against the current owner of the horses. Accordingly, the case is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

/s/Dan Aaron Polster Mar. 7, 2019  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT COURT**